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**MINUTES OF MEETING**

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Tuesday, March 21, 2006 at 9:05 a.m.** at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572

Present and constituting a quorum were:

Chris Coughlin	<b>Board Supervisor, Chairman</b>
Scott Jones	<b>Board Supervisor, Vice Chairman</b>
Sally McFolling	<b>Board Supervisor, Assistant Secretary</b>
Julie Wisdom	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer, Smolker &amp; Bolves, P.A.</b>
Jamie Scarola	<b>District Engineer, Scarola Associates, Engineering Design &amp; Land Consultants, P.A.</b>
Kathy Harp	<b>Representative, Greenacres Properties, Inc.</b>
Erika Werkheiser	<b>Manager, Mira Bay Club</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Wells called the meeting to order at 9:05 a.m. and read roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of the Minutes of the Board of Supervisor's Meeting on February 21, 2006**

Ms. Wells stated that the next item on the agenda was consideration of the minutes of the Board of Supervisors' meeting on February 21, 2006. She asked if there were any additions, deletions, or corrections. There were none. Ms. Wells asked for a motion to approve the minutes. Mr. Coughlin asked if the minutes reflected comments by District Counsel and District Engineer. Ms. Wells stated that the comments were incorporated into the minutes.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on February 21, 2006 for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for March**

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for March. She explained that the expenditures were for the period of February 1<sup>st</sup> – February 28<sup>th</sup>, 2006 totaling \$134,807.66. Ms. Wells asked if there were any questions. Hearing none, she asked for a motion to approve.

On a Motion by Mr. Coughlin, seconded by Ms. McFolling, with all in favor, the Board approved the Operation and Maintenance Expenditures for March, (\$134,807.66) for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2002  
Construction Requisition #396**

Ms. Wells stated the next item on the agenda was the consideration of Series 2002 Construction Requisition #396. Ms. Wells stated that the requisition has been approved and signed by the District Chairman and the District Engineer.

On a Motion by Mr. Coughlin, seconded by Ms. Wisdom, with all in favor, the Board approved the Series 2002 Construction Requisition #396 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2006-02,  
Confirming the Secretary and  
Re-Designating the Assistant Secretary**

Ms. Wells stated the next item on the agenda was the consideration of Resolution 2006-02, Confirming the Secretary and Re-Designating the Assistant Secretary. Ms. Wells stated that this resolution was for signature purposes only. Ms. Wells asked the Board to approve maintaining Pete Williams as the District Secretary and appoint both Christina L. Wells and Sue Ellen Gehrke as Assistant Secretaries for the District.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved Resolution 2006-02, Confirming the Secretary and Re-Designating the Assistant Secretary for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.

- B. District Engineer  
Mr. Scarola stated that he received approval from the Environmental Protection Commission, ("EPC") regarding the permit extension for the Lagoon Area Dock construction. He stated the EPC permit has been extended once in the past. Mr. Scarola stated the permit was dated March 15, 2006 and will expire on March 2009.

Mr. Scarola stated that he met with Ruben Clarson, the seawall engineer, who designed the District's seawalls. Mr. Clarson's company previously inspected the berm at the lower end of the seawall. Mr. Scarola stated that there was erosion in some areas caused by wakes from passing boats. Mr. Scarola stated that he and Mr. Clarson discussed the future maintenance of the seawalls. Mr. Scarola asked Mr. Clarson to draft two designs for repair and maintenance of the seawall and submit them to the Board at a later date.

Mr. Scarola stated the last item to report was a follow up to the February Board meeting regarding the SWFWMD Inspection Report which pertains to the swale located around the 27' easement around the lagoon and seawall. He requested that the original Project Engineer, Heidt & Associates, Inc., check for inconsistencies and make a recommendation regarding the seawall design and erosion activity. Mr. Scarola stated that as of this date, he has not received the inspection report back from Heidt & Associates, Inc.

Mr. Irwin, a resident, asked a question regarding the barometric study that showed erosion in some areas. He asked whether the study showed that there was approximately six inches of built up erosions in the canal. Mr. Scarola stated that there was silt in some areas but not in the entire canal. Mr. Irwin stated that residents were complaining that the water was only two feet deep in some areas near Biscayne Canal. Mr. Scarola stated that this may have been during an extremely low tide.

- C. District Manager  
Ms. Wells stated that the next item for discussion is a follow up item from the February Board meeting regarding updating the Greeter's post orders. Ms. Wells stated that she and Kathy Harp, the District's Property Manager, have reviewed the Post Orders and updated the Website for the residents' educational purposes. Ms. Wells distributed a copy of the orders for the Greeters to the Board.

Ms. Wells stated that it would be advantageous to meet with the Greeters and discuss the Post Orders. A brief discussion ensued.

Mr. Irwin, a resident, stated that the gate mechanism is broken at Gate I and stated that the gate has been broken for several weeks. Mr. Coughlin stated he would look into the issue and get back to the Board.

Ms. Wells stated that, due to an increase in the number of residents within the District, she recommended having a CDD Workshop to provide educational information to the residents. Ms. Wells stated that the workshops are normally held in the evening so that residents can attend. A brief discussion ensued. Ms. Wells suggested that the workshop be scheduled for April 12, 2006 at 6:30 p.m. Ms. Wells stated that Pete Williams would host the Workshop.

Ms. Wells stated that the February Financials will be available within the next two days. Ms. Wells stated that, at that time, she will email the most recent financials to the Board. Ms. Wells also recommended that the Board schedule a Budget Workshop to be held in either May or June.

Ms. Wells stated that the next regularly scheduled Board of Supervisors meeting is scheduled for Tuesday, April 18, 2006.

- D. Property Manager  
No report.

## **SEVENTH ORDER OF BUSINESS**

### **Supervisor Requests and Audience Comments**

Ms. Wells stated that the next item on the agenda was Supervisor Requests and audience comments. Ms. Wells asked if there were any audience comments. Mr. Irwin, a resident, questioned the impending connection of Licie Road with Highway 41 by the County Transportation Department. Mr. Irwin stated his concern was with the possible creation of more traffic. He stated that the original plan from 1979 was for Gulf Road to Sea Road only. A brief discussion ensued.

Mr. Irwin questioned the District's assessment fees and his tax bill. Ms. Wells stated that the debt service and operation and maintenance fees are listed as one line item on the residential tax bill. Mr. Irwin was concerned with additional assessments for the District and the impact it would have on the debt service portion. Mr. Coughlin stated that there is a developer funding agreement for this District and that within the agreement the developer has agreed to pay for any additional projects if it exceeds the debt service amount.

Ms. Wells asked if there were any Supervisor requests. Mr. Coughlin stated that approval was needed for a change order for two town home parcels, (No. 21 & 23.) He stated the change orders totaled \$2,800,169.40.

Mr. Coughlin stated that Kearney was the low bidder in 2002.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved the change order for Parcels 21 and 23 in the amount of \$2,800,169.40 for Harbor Bay Community Development District.

Mr. Coughlin informed the Board of the options available to heat the community pool. He stated that the cost to heat the pool annually with the traditional gas or electric methods would be approximately \$60,000 - \$80,000. Mr. Coughlin stated that an alternative would be solar heating or geothermal heating. A brief discussion ensued and the Board stated that the solar heating was not the favorable choice. Mr. Coughlin stated in order to provide geothermal heating, a well would be drilled, an aquifer would be created to put off heat and then would travel to a second well. He stated that two wells would be approximately 500 ft. apart. Mr. Coughlin stated that the operational cost would be approximately \$15,000 per year. He stated that pool blankets would not be needed but that the water features should be turned off each night and that the average heated temperature will be approximately 84°. He stated the drawback for the geothermal heating would be the installation cost of approximately \$150,000. He stated that the cost over a three year period, along with the savings in operation and maintenance, would create a break-even situation. He stated that there would be a five year warranty on all parts and labor. Mr. Coughlin stated that there would be an approximate savings of \$900,000 over a twenty year period.

Mr. Scarola commented on the performance guarantee for ninety days regarding the temperature differential. His concern was the total cost and the actual guarantee of the temperature. Ms. Wells stated that the pool would most likely not be heated until October 2006. At that time, she stated that a new budget would be in place for Fiscal Year 2006/2007 and the operational costs would be included as a line item in that budget.

Ms. Wells asked if there were any other questions or comments. There were none.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

Ms. Wells stated that there were no further agenda items to come before the Board and asked for a motion to adjourn at 9:37 a.m.

On a Motion by Mr. Jones, seconded by Ms. McFolling, with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman